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July 27, 2023

BY ECF

Honorable Vera M. Scanlon
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Payamps v. City of New York, et al.
22-CV-00563 (AMD) (VMS)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney representing defendants the City of New York (“City”), Mayor Bill de Blasio, Commissioner Dermot Shea, NYPD Chief of Department Terence Monahan, Police Officer Daniel Auguste, Police Officer Corey Johnson, and Inspector Jesse Lance (collectively “defendants”) in the above-referenced matter. For the reasons set forth below, and to ensure that the individual defendants’ defenses are not jeopardized while representation issues are being decided, it is respectfully requested that the Court *sua sponte* extend the time for all defendants to respond to the Complaint, by 14 days, until August 10, 2023. This is the first request of its kind and Plaintiff’s counsel, Jessica Massimi, consents.

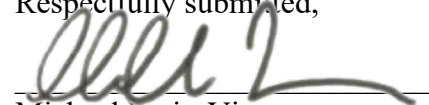
By way of background, on June 16, 2023, Plaintiff amended the complaint to add Police Officers Matthew Erdman, Kevin Forrester, Matthew Lambert, Nathaniel Lester, Kitwane Lewis, Ryon Malcolm, Janelle Nerette, Kenneth Noonan, and Randy Shapiro as defendants. Upon information and belief, on July 6, 2023 Officers Forrester, Lambert and Lewis were served with process, on July 7, 2023, Officers Malcolm, Lester, Nerette, Noonan, and Shapiro were served with process, and on July 11, 2023 Officer Erdman was served with process. To date, this office has resolved representation with Officer Malcolm but has not yet had an opportunity to resolve representation with the remaining officers.

The reason for this request is that the undersigned needs additional time to resolve representation with Officers Forrester, Lambert, Lewis, Lester, Nerette, Noonan, Shapiro, and Erdman pursuant to the General Municipal Law. *See* General Municipal Law § 50(k); *Mercurio v. City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985); *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (stating that the decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law). Due to various schedule conflicts between the undersigned and the individual defendants, our office has not been able to conduct representation interviews with all of the individual defendants.

Accordingly, it is respectfully requested that the Court *sua sponte* enlarge the time, until August 10, 2023, for defendants Forrester, Lambert, Lewis, Malcolm, Lester, Nerette, Noonan, Shapiro, and Erdman to respond to the First Amended Complaint.

Thank you for your consideration herein.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael Pesin-Virovets", written over a horizontal line.

Michael Pesin-Virovets

Senior Counsel

Special Federal Litigation Division

cc: **By ECF**

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